

## **Environmental Rules Board**

### **Powers and Statutory Makeup General Administrative Information**

The Environmental Rules Board (ERB) adopts rules for the Indiana Department of Environmental Management (IDEM) that are consistent with the purposes of Title 13 of the Indiana Code. Title 13 contains the statutes that pertain to IDEM and its regulatory programs. Indiana's environmental policy provides that the purpose of Title 13 is:

- (1) To provide for evolving policies for comprehensive environmental development and control on a statewide basis;
  - (2) To unify, coordinate, and implement programs to provide for the most beneficial use of the resources of Indiana; and
  - (3) To preserve, protect, and enhance the quality of the environment so that, to the extent possible, future generations will be ensured clean air, water, and a healthful environment.
- (IC 13-12-3-1)

#### **Powers**

The ERB has the following general powers:

1. Adopt rules necessary for the implementation of the: Clean Air Act; Water Pollution Control Act (Clean Water Act); Safe Drinking Water Act; and the Resource Conservation and Recovery Act.
2. Adopt rules that allow for the issuance of permits as well as requirements and procedures for permit issuance. Such rules may prescribe the standards for the discharge, emission or disposal of contaminants and the operation of any facility, equipment, or device.
3. Adopt rules necessary for the implementation of the purpose and intent of Title 13.
4. Establish advisory committees for the purpose of giving advice on any matters pertaining to business of the board.

Many statutes exist within Title 13 that grant specific rulemaking authority and outline specific limitations to rulemaking authority on a number of environmental topics. Many of those are included in the portion of the information packet that contains select statutes from Titles 4, 5, and 13. All Indiana state statutes and the administrative code can be accessed online through either the IDEM website or the Indiana General Assembly website, maintained by the Legislative Services Agency. The link to IDEM's website is: [www.in.gov/idem/](http://www.in.gov/idem/). Under the Rules tab you will find information on the environmental boards, rules in progress, board packets and a rules archive. There are also links to legislative information. The General Assembly's website is: [www.in.gov/legislative/](http://www.in.gov/legislative/).

### **Statutory Makeup**

The Board consists of sixteen members, including: the commissioner of IDEM, the commissioner of the Department of Health, the director of the Department of Natural Resources, the lieutenant governor, and secretary of commerce. These members are the ex officio members of the board. Each ex officio member may appoint a designee to serve in his or her stead. The commissioner of IDEM is a non-voting member of the board, as is his designee. The following members are appointed by the governor and represent the following interests: agriculture; manufacturing; environmental interests; labor; local government; small business; a health professional who holds a license to practice in Indiana; solid waste management industry; public utility that engages in the production and transmission of electricity; and two representatives of the general public, who cannot qualify to sit on the Board under any of the other capacities.

### **Term of Appointment and Removal**

Each appointed member serves a term of four years and the term of each member continues until a successor is appointed and qualified. However, the governor may remove an appointed member of the board for cause. Cause includes the repeated failure to attend meetings.

### **Vacancy on the Board**

If a vacancy occurs on the board, the governor is required to appoint a replacement within 90 days after the vacancy occurs and the appointment shall be for the remainder of the unexpired term created by the vacancy. If a replacement is not appointed within 90 days, the board must suspend the exercise of its duties until such time as the vacancy is filled. Any board member wishing to resign from the board should submit a written resignation to the governor's office and copy the IDEM rules development staff. The resignation should indicate the effective date of the resignation.

### **Compensation**

Each appointed member of the board is entitled to the minimum salary per diem and other expenses incurred in connection with the member's duties, including mileage and parking. Appointed board members will be provided expense sheets at each meeting which IDEM staff will submit for the members once they are completed and signed. Parking access may be found at <http://www.indydt.com/parking.cfm>.

### **General Administrative Information**

1. If you cannot attend a scheduled Board meeting, please contact either Betsy Rouse [BRouse@idem.in.gov](mailto:BRouse@idem.in.gov) (317-233-8903) or Janet Pittman [JPittman@idem.in.gov](mailto:JPittman@idem.in.gov) (317-232-8922). This will assist the Board Chair in determining if a quorum exists for voting purposes at the Board meeting.
2. Board meetings are normally scheduled the second Wednesday of the month unless conflicts require alternate scheduling. Meetings will generally begin at 1:30 p.m. Board packets are sent to board members 2 weeks prior to the meeting. Board packets will also be posted on IDEM's website, usually 10 days before each meeting.

3. At the Board meeting, members and staff generally will be located at a three-sided table at the front of the room with microphones available near Board member places. Name plates will identify Board members and staff. At each member's place will be a travel voucher and an expense voucher which should be filled out and returned before the member leaves or as soon after the meeting as possible. Additional information relevant to the meeting will be at each member's seat at the meeting.

4. The meeting will be run according to standard parliamentary procedure.